

REMARKS*Double Patenting Rejection*

Claims 11-14, 16, 17, 19 and 20 were provisionally rejected under the judicially created obviousness-type double patenting as being unpatentable over claims 11-20 of copending U.S. Patent Application Serial No. 11/436,803. In view of amendments presented in this Office Action response, Applicant requests that the double patenting rejection be held in abeyance until all pending claims have been allowed. Upon allowance of the claims, if still applicable, Applicant will submit a terminal disclaimer to overcome any remaining non-statutory double patenting rejections.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 and 5-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Borkenhagen et al.* (U.S. Patent No. 5,067,105). Applicant respectfully traverses this rejection.

Claims 1, 7, 11, 13, 17, and 20 have been amended to include limitations making it clear that the memory devices/arrays are replacements for a single memory device. Further limitations are included such that each replacement memory device has a non-contiguous physical address sub-range. Support for these amendments can be found in the present specification at paragraph 0035. Therefore, no new matter has been added by these amendments.

Borkenhagen et al. neither teach nor suggest the subject matter claimed in Applicant's amended claims. *Borkenhagen et al.* neither teach nor suggest a memory system that has a single memory device replaced by a plurality of memory devices. *Borkenhagen et al.* also does not teach or suggest that each of the plurality of memory devices has a physical address sub-range that is part of a non-contiguous physical memory address range.

Claim Rejections Under 35 U.S.C. § 103

Claims 4, 11-14, 16, 17, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Borkenhagen et al.* (U.S. Patent No. 5,067,105) in view of *Daberko* (U.S. Patent No. 5,787,445). Applicant respectfully traverses this rejection.

Applicant believes that it has been shown that *Borkenhagen et al.* neither teach nor suggest Applicant's subject matter as claimed in the amended claims. Applicant agrees with the Examiner that *Daberko* discloses flash memory. However, even if these two references were combined, the combination still would not disclose all of the elements of the presently amended claims. Specifically, the combination of these references would not teach or suggest a memory system that has a single memory device replaced by a plurality of memory devices wherein each of the plurality of memory devices has a physical address sub-range that is part of a non-contiguous physical memory address range.

CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2211.

Respectfully submitted,

Date: 3/21/08


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